

**GOVERNMENT OF INDIA
POWER
LOK SABHA**

UNSTARRED QUESTION NO:471
ANSWERED ON:25.11.2005
THEFT OF ELECTRICITY
Reddy Shri Mekapati Rajamohan

Will the Minister of POWER be pleased to state:

- (a) whether Electricity Act, 2003 has stringent provisions to check theft of electricity;
- (b) if so, whether the Union Government has issued any guidelines/directions to the SEBs for the effective implementation of these provisions; and
- (c) if so, the details thereof?

Answer

THE MINISTER OF POWER (SHRI P.M. SAYEED)

(a) : Yes, Sir. Under the Electricity Act, 2003, theft of Electricity is a cognizable offence. The Act also provides for setting up of special courts by the State Governments for the purpose of providing speedy trial of offences.

(b) & (c) : Central Government has issued order under the provisions of section 183 of the Electricity Act, 2003 which provides for inclusion of measures to control theft in the Electricity Supply Code specified by the State Electricity Regulatory Commission. Relevant extracts of this order are enclosed at Annexure-I.

Central Government has also notified the Electricity Rules, 2005 under the provisions of section 176 (1) of the Electricity Act, 2003. Rules 11 and 12 of these rules relate to provision for checking theft of electricity. The relevant extracts of these rules are enclosed at Annexure-II.

The Central Government has written to the States requesting them to take necessary action for setting up the Special Courts. Measures taken by States for controlling theft and pilferage of electricity have also been reviewed in meetings held in the Ministry of Power with representatives of the State Governments and the State Electricity Boards / State Utilities etc. As per available information, 13 states have already constituted the Special Courts and 5 States have also set up special police stations.

ANNEXURE-I

ANNEXURE REFERRED TO IN REPLY TO PARTS (b) & (c) OF UNSTARRED QUESTION NO. 471 TO BE ANSWERED IN THE LOK SABHA ON 25.11.2005.

Extracts from the Electricity (Removal of Difficulties) order, 2005.

Inclusions of measures to control theft in Electricity Supply Code. -

(1) The Electricity Supply Code as specified by the State Commission under section 50 of the Act shall also include the following, namely:-

- (i) method of assessment of the electricity charges payable in case of theft of electricity pending adjudication by the appropriate court;
- (ii) disconnection of supply of electricity and removing the meter, electric line, electric plant and other apparatus in case of theft or unauthorized use of electricity; and
- (iii) measures to prevent diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter.

(2) The above provisions in the Electricity Supply Code shall be without prejudice to other rights of the licensee under the Act or any other applicable laws to recover the sum due and to protect the assets and interests of the licensee.

ANNEXURE-II

ANNEXURE REFERRED TO IN REPLY TO PARTS (b) & (c) OF UNSTARRED QUESTION NO. 471 TO BE ANSWERED IN THE LOK SABHA ON 25.11.2005.

Extracts from the Electricity Rules, 2005

11. Jurisdiction of the courts.- The Jurisdiction of courts other than the special courts shall not be barred under sub-section (1) of section 154 till such time the special court is constituted under sub-section (1) of section 153 of the Act.

12. Cognizance of the offence-

(1) The police shall take cognizance of the offence punishable under the Act on a complaint in writing made to the police by the Appropriate Government or the Appropriate Commission or any of their officer authorized by them in this regard or a Chief Electrical Inspector or an Electrical Inspector or an authorized officer of Licensee or a Generating Company, as the case may be.

(2) The police shall investigate the complaint in accordance with the general law applicable to the investigation of any complaint. For the purposes of investigation of the complaint the police shall have all the powers as available under the Code of Criminal Procedure, 1973.

(3) The police shall, after investigation, forward the report along with the complaint filed under sub-clause (1) to the Court for trial under the Act.

(4) Notwithstanding anything contained in sub-clauses (1), (2) and (3) above, the complaint for taking cognizance of an offence punishable under the Act may also be filed by the Appropriate Government or the Appropriate Commission or any of their officer authorized by them or a Chief Electrical Inspector or an Electrical Inspector or an authorized officer of Licensee or a Generating Company, as the case may be directly in the appropriate Court.

(5) Notwithstanding anything contained in the Code of Criminal Procedure 1973, every special court may take cognizance of an offence referred to in sections 135 to 139 of the Act without the accused being committed to it for trial.

(6) The cognizance of the offence under the Act shall not in any way prejudice the actions under the provisions of the Indian Penal Code.